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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 JASON A. MAHE,

Case No. 3:21-cv-00069-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 HARTMAN, *et al.*,

10 Defendants.

11 **I. SUMMARY**

12 *Pro se* Plaintiff Jason Mahe, currently incarcerated and in the custody of the  
13 Nevada Department of Corrections (“NDOC”), filed a complaint under 42 U.S.C. § 1983.  
14 (ECF No. 5 (“Complaint” (sealed)).) Mahe subsequently filed a motion for emergency  
15 temporary restraining order and a motion for an emergency injunction. (ECF Nos. 8, 9  
16 (“Motions”).)<sup>1</sup> Before the Court is the Report and Recommendation (ECF No. 10 (“R&R”))  
17 of United States Magistrate Judge William G. Cobb. The R&R recommends the Court deny  
18 the Motions. Mahe timely filed his objection (ECF No. 13 (“Objection”)) to the R&R, and  
19 Defendants did not file a response. Because the Court agrees with Judge Cobb and as  
20 further explained below, the Court overrules Mahe’s Objection and adopts the R&R in full.

21 **II. BACKGROUND**

22 The Court incorporates by reference Judge Cobb’s recitation of the factual  
23 background provided in the R&R, which the Court adopts here. (ECF No. 10 at 1-4.)

24 **III. LEGAL STANDARD**

25 **A. Review of the Magistrate Judge’s Recommendation**

26 This Court “may accept, reject, or modify, in whole or in part, the findings or  
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<sup>1</sup>The Court notes that the Motions are identical but were docketed separately to reflect that Mahe is seeking a temporary restraining order and/or preliminary injunction.

1 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
2 timely objects to a magistrate judge’s report and recommendation, then the Court is  
3 required to “make a de novo determination of those portions of the [report and  
4 recommendation] to which objection is made.” *Id.* The Court’s review is thus *de novo*  
5 because Mahe filed his Objection. (ECF No. 13.)

#### 6 **IV. DISCUSSION**

7 Following a *de novo* review of the R&R and other records in this case, the Court  
8 finds good cause to accept and adopt Judge Cobb’s R&R.

9 Judge Cobb recommends the Motions be denied as the pain medication issue  
10 raised in the Complaint are separate than the pain medication issue raised in the Motions.  
11 (ECF No. 10 at 7-8.) Mahe’s Objection fails to address Judge Cobb’s R&R and appears  
12 to merely restate allegations related to Mahe’s safety and treatment in NDOC’s custody.  
13 (ECF No. 13 at 2-4.) Mahe’s only mention of pain medication relates to his assertion that  
14 denying him pain medication is in violation of “Medical Directive 447” without providing  
15 more. In the absence of a sufficient nexus between the relief sought in the Motions and  
16 alleged conduct raised and the relief sought in Mahe’s Complaint—as Judge Cobb also  
17 articulated in his R&R—the Court lacks the authority to grant the relief requested in the  
18 Motions. Accordingly, Mahe’s Objection is overruled. The Court therefore agrees with  
19 Judge Cobb that the Motions should be denied and will adopt the R&R in its entirety.

#### 20 **V. CONCLUSION**

21 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
22 William G. Cobb (ECF No. 10) is accepted and adopted in full.

23 It is further ordered that Plaintiff Jason Mahe’s motion for emergency temporary  
24 restraining order (ECF No. 8) and motion for an emergency injunction (ECF No. 9) are  
25 denied.

26 DATED THIS 25<sup>th</sup> Day of May 2021.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE